

California State Council on Developmental Disabilities' requested amendments to SB 1630 as amended on June 12, 2002, are identified as IN CAPS AND DOUBLE UNDERLINED ADDITIONS and ~~with double strikeout deletions~~:

1. COUNCIL MEMBERSHIP

◆ **Section 4521 (b) – page 6, lines 26 and 27**

(b) There shall be 24 ~~25~~ 33 voting members on the State Council appointed by the governor, as follows:

◆ **Section 4521 (b)(1) – page 6, lines 28 through 40, and page 7, lines 1 through 5**

(b)(1) TWENTY-THREE (23) MEMBERS THAT INCLUDE AT LEAST ~~One member from each CATCHMENT AREA of the 13 area developmental disabilities boards described in Article 6 (commencing with Section 4543), nominated by the area board to serve as a council member,~~ who shall be persons with a developmental disability, as defined in 42 U.S.C. Section 15002(8), or parents, siblings, guardians or conservators of these persons residing in California and who are not employees of a state, local, or private agency or facility that receives funds from the rehabilitation, comprehensive services, and developmental disabilities legislation, as amended, or provides services to persons with developmental disabilities. ~~Five~~ EIGHT of these members shall be persons with a developmental disability, as defined in 42 U.S.C. Section 15002(8), ~~three~~ EIGHT shall be parents, siblings, guardians, or conservators of persons with developmental disabilities, and ~~five~~ SEVEN shall be either a person with a developmental disability or a parent, sibling, guardian, or conservator of a person with a developmental disability. ~~The nominee from each area board shall be an area board member who was appointed by the Governor~~ OF THE 23 MEMBERS DESCRIBED ABOVE, ONE SHALL BE AS DESCRIBED IN (b)(3), ONE SHALL BE AS DESCRIBED IN (b)(4), AND ONE SHALL BE AS DESCRIBED IN (b)(5).

◆ **Section 4521 (b)(2) – page 7, line 29**

...of ~~Section 142~~ Subtitle C of the Developmental Disabilities Act of ~~1984~~ 2000 for a system to protect and advocate the rights of persons with developmental disabilities.

◆ **Section 4521 (b) (3), (4) and (5) – page 7, lines 34 through 39, and page 8, lines 1 and 2**

(3) One member at large, who shall be a person WITH DEVELOPMENTAL DISABILITIES AS DEFINED IN 42 U.S.C. SECTION 15002(8) ~~who is an immediate relative, guardian, or conservator of a resident of a state hospital or developmental center,~~ nominated by the Senate Committee on Rules.

(4) One member at large, who shall be a person who is an immediate relative, guardian, or conservator of a person with a developmental disability living in the community, nominated by the Speaker of the Assembly.

(5) ONE MEMBER AT LARGE WHO SHALL BE AN IMMEDIATE RELATIVE, GUARDIAN, OR CONSERVATOR OF A RESIDENT OF A STATE HOSPITAL OR DEVELOPMENTAL CENTER.

◆ **Section 4521 (c), (d), (e), and (f) – page 8, lines 3 through 33**

(c) Prior to appointing the ~~24~~ ~~25~~ 23 members pursuant to (b)(1) of this section, the Governor shall *request and consider recommendations from organizations representing, or providing services to, or both, persons with developmental disabilities, and shall take into account socioeconomic, ethnic, and geographic considerations of the state.*

(d) The term of each member described in subdivision (b) shall be for three years; provided, however, of the members first appointed by the Governor pursuant to paragraph (1) of subdivision (b), ~~four~~ *five* shall hold office for three years, ~~four~~ shall hold office for two years, and ~~five~~ *four* shall hold office for one year. In no event shall any member described in subdivision (b)

serve for more than a total of ~~six~~ EIGHT years of service. ~~Service by any individual on any state council on developmental disabilities existing on and after March 4, 1972, including membership on the State Developmental Disabilities Planning and Advisory Council under former Section 38200 of the Health and Safety Code (Ch. 908, Stats. 1971), shall be included January 1, 2003, shall be included in determining the total length of service.~~

~~—(e) Nothing in this chapter shall prevent the reappointment or replacement of any individual presently serving on the existing state council if the reappointment is in conformity with all of the criteria established in this chapter.~~

~~(e) Members appointed to the state council prior to June 1, 2002, shall continue to serve until the term to which they were appointed expires. Members appointed on June 1, 2002, or thereafter shall have their terms expire on January 1, 2003.~~

~~—(f) Notwithstanding subdivision (e) of Section 4546, members described in subdivision (b) shall continue to serve on the area board following the expiration of their term on the area board until their term on the state council has expired.~~

♦ **Section 4535 (b) – page 11, lines 7 through 17**

(b) The state council shall, by majority vote of the voting members, elect its own chairperson and vice chairperson who shall have full voting rights on all state council actions, from among the 13 appointed members, described in paragraph (1) , (3), ~~or (4)~~, OR (5) of subdivision (b) of Section 4521, and shall establish any committees it deems necessary or desirable. The chairperson shall appoint all members of committees of the state council. *The chairs and vice chairs of the state council and its standing committees shall be individuals with a developmental disability, or the parent, sibling, guardian, or conservator of an individual with a developmental disability.*

2. COUNCIL COMPLIANCE WITH FEDERAL ASSURANCES

♦ **Section 4540 (b) – page 12, lines 10 through 15**

(b) Serve as the official agency responsible for planning the provision of the federal funds allotted to the state under Public Law 106-402 (42 U.S.C. Sec. 15001 et seq.), and apportion these funds among STATEWIDE AND LOCAL PUBLIC OR PRIVATE ENTITIES ~~agencies and area developmental disabilities boards in compliance with Section 4550, subdivision (b) of Section 4552.5, and Section 4677.~~ AS DETERMINED BY THE COUNCIL TO MEET ALL ASSURANCES REQUIRED IN *applicable state and federal law.*

♦ **Section 4548 (d)(1) – page 18, line 19**

(d)(1) The area board shall have the authority to pursue ~~legal~~, administrative, and other appropriate remedies to ensure the protection of the legal, civil, and service rights of persons who require services and who are receiving services in the area...

♦ **Section 4548 (g)(4) and (6) – page 20, lines 22 through 28, lines 37 through 40, and page 21, lines 1 and 2**

(g)(4) If the problem has not been resolved within 30 days following the public hearing, the area board may provide the state council with its findings ~~and may request authorization to initiate legal action.~~ ~~An area board shall not initiate legal action without prior authorization from the state council. However, the area board may assist any other person, agency, or organization that may pursue litigation related to the area board's findings.~~

(g)(6) *The state council shall review the report of the executive director and shall take any action it deems necessary to resolve the problem.* ~~If the state council authorizes the area board~~

~~to initiate legal action, the state council may make legal assistance available to the area board pursuant to the legal services provisions of Public Law 106-402 (42 U.S.C. Sec. 15001 et seq.).~~

♦ **Section 4548 (h) – page 21, lines 3 through 12**

~~(h) Area boards shall encourage the development of needed services and supports of good quality that do not result in duplication, fragmentation of services, and unnecessary expenditures. Prior to providing additional funds for major expansion of existing programs, creation of new programs, or establishment of pilot projects to test new methodologies of service delivery for persons with developmental disabilities within an area board catchment area, the department or regional center, as appropriate, shall consult with the area board regarding the appropriateness of those program developments.~~

♦ **Section 4550 – page 23, lines 32 through 40, and page 24, lines 1 through 4**

The state council's operating costs shall include honoraria and actual and necessary expenses for council members, COUNCIL APPROVED costs associated with the area boards, as described in this article, and other administrative, professional, and secretarial support services necessary to the operation of the state council. Federal developmental disability funds received by the state under Public Law 106-402 (42 U.S.C. Sec. 15001 et seq.), shall be ~~allotted~~ DISBURSED in any one year for these and other operating costs AS DETERMINED BY THE COUNCIL IN COMPLIANCE WITH PUBLIC LAW 106-402 PART B ASSURANCES. Each member of the state council shall receive one hundred dollars (\$100) per day for each full day of work performed directly related to council business, not to exceed 50 days in any fiscal year, and shall be reimbursed for any actual and necessary expenses incurred in connection with the performance of their duties under this division.

♦ **Section 4553 (b)(1) and (2) – page 27, lines 7 through 31**

~~(b) (1) Each area board shall provide to the state council all information and documentation required by the council to prepare an annual budget that includes the basic funding AS DETERMINED BY THE COUNCIL TO BE necessary for the area boards to meet the requirements of this chapter and Chapter 4. The state council, ~~in~~ AFTER consultation with the area boards, shall determine the timing of, and format for, the provision of this information and documentation. An area board may present for consideration by the state council a proposal for funds to support any additional activities of the area board not anticipated to be funded through their basic allocation. The state council shall review all area board proposals DOCUMENTATION and shall ~~include in the state plan~~ DETERMINE the amount of federal funds under Public Law 106-402 (42 U.S.C. Sec. 15001 et seq.) ~~that shall be allotted to~~ APPROVED FOR each area board. Nothing in this section shall prevent the appropriation of additional funds to state council or area boards, or both, from the General Fund or other sources. These funds shall be used only for purposes of extending the activities of the state council or area boards, or both, as authorized by state or federal law. ALL FUNDS RECEIVED BY OR ON BEHALF OF AN AREA BOARD FROM ANY SOURCE, SHALL BE RECEIVED/CONTRACTED THROUGH THE STATE COUNCIL~~

~~(2) The state council may receive, on behalf of the council or on behalf of any area board, grants of funds in addition to any allocation of state funds or federal funds under Public Law 106-402 (42 U.S.C. Sec. 15001 et seq.), as authorized under this division. These funds shall be used only for purposes of extending the council's or area boards' activities as authorized by state or federal law. ALL FUNDS RECEIVED BY OR ON BEHALF OF AN AREA BOARD FROM ANY SOURCE, SHALL BE RECEIVED/CONTRACTED THROUGH THE STATE COUNCIL.~~

◆ **Section 4553 (c)(2) and (c)(3) – page 28, lines 3 through 10**

(c)(2) Each area board, with the PRIOR approval of the state council, may contract for additional assistance to carry out its duties as established by this division.

(c)(3) ~~Notwithstanding~~ IN COMPLIANCE WITH the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2), an area board ~~may~~ SHALL CONVENE AS A SUB-COMMITTEE OF THE STATE COUNCIL, WHEN IT IS NECESSARY TO meet in executive session for purposes of discussing confidential matters, including, but not limited to, personnel matters.

◆ **Section 4563 (b) – page 31, lines 34 through 38**

(b) Area boards shall ~~participate with~~ ASSIST the state council in the development and implementation of the state plan and shall submit any information concerning the area's services, needs, and priorities to the state council in a time and format as may be required BY THE STATE COUNCIL to meet federal reporting requirements.

◆ **Section 4564 – page 32, lines 1 through 6**

The state council, ~~in conjunction with the area boards'~~ ASSISTANCE, shall conduct open hearings on the state plan and related budgetary issues prior to submission of the plan pursuant to Section 4565. ~~These hearings shall be conducted during the month of September of each year, in order to coincide with the preparation of the annual Governor's Budget.~~

◆ **Section 4565 – page 32, lines 9 through 14**

The state plan shall be given to the Governor, the Secretary of the *California* Health and ~~Welfare~~ *Human Services* Agency, the Superintendent of Public Instruction, AND the Legislature, ~~and to the chairpersons of all area boards~~ for review and comment prior to its submission by the chairperson of the state council to the ~~U.S.~~ *United States* Secretary of Health and Human Services.

3. URGENCY CLAUSE

The Council requests that SB 1630 be amended to include an urgency clause, so it can be implemented promptly after the Governor signs it. This urgency clause will ensure uninterrupted funding, seamless monitoring of the health and safety, and continuous advocacy services for individuals with developmental disabilities. An urgency clause will also provide clarity of duties and responsibilities among and between the area boards and state council. All staff positions identified in SB 1630 currently exist as State exempt and civil service positions. SB 1630 provisions only convert existing State positions, rather than create any new category of State employment.